Docket No.: 1293.1746

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Young-woo Lee, et al.

Serial No. 10/603,813 Group Art Unit: 2627

Confirmation No. 2773

Filed: June 26, 2003 Examiner: Jorge L. Ortiz-Criado

For: APPARATUS AND METHOD FOR IDENTIFYING DISC TYPE

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants respectfully request review of the rejection mailed May 15, 2008 in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

Claims 10-12, 14-16 and 18 are pending. Claims 10-12, 14-16 and 18 were rejected under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Kuroda et al. (US 6,144,625) (hereinafter "Kuroda"). A pre-appeal brief panel review of the identified appealable issue is requested.

Independent claim 10 patentably distinguishes over Kuroda

Independent claim 10 of the present application discloses a technical feature wherein an LPP signal detector detects a certain voltage level in the push-pull signal immediately after the servo controller enables tracking, wherein if the certain voltage level is detected, the disc is identified as a DVD(-) type disc, and if the certain voltage level is not detected, the disc is identified as a DVD(+) type disc; the DVD(-) type discs include DVD-RW and DVD-R discs, the DVD(+) type discs include DVD+RW and DVD+R discs.

By contrast, the reference relied on by the Examiner, Kuroda, shows in Figure 6 the technical feature of closing tracking servo loop and reading control code, wherein if a digital value indicating an amplitude level of a push-pull signal is not higher than a predetermined value

(at S5, S7, and S8 in Figure 6), the disc is determined as a read-only disc DVD-ROM if the read control code is an inherent predetermined code of DVD-ROM (at S9 and S10 in Figure 6), and the disc is determined neither as a DVD-ROM nor a DVD-R or DVD-RAM if the read control code is not the inherent predetermined code of a DVD-ROM.

In addition, Kuroda discloses technical features of closing tracking servo loop, starting a timer, and detecting a prepit signal if the digital value indicating the amplitude level of the push-pull signal is higher than the predetermined value (at S5, S11, S24, S25), and then if the prepit signal cannot be detected from the disc, determining whether a predetermined time from the start of the timer have passed or not (at S26); if it is determined at S26 that the predetermined time from the start of the timer of the timer has passed, determining that the disc is neither a DVD-ROM nor a DVD-R or DVD-RAM; detecting an error if the prepit signal has been detected from the disc and it is determined at step S27 that the predetermined time from the start of the timer of the timer has passed at step S29; determining that the disc is a DVD-RAM if it is determined that the detected error can not be corrected in accordance with the prepit signal format of a DVD-R, and determining that the disc is a DVD-R if it is determined that the detected error can be corrected in accordance with the prepit signal format of a DVD-R.

As discussed above, Kuroda considers various conditions in order to determine the disc type. That is, Kuroda cannot determine the disc type by considering only whether or not detect the certain voltage level by LPP signal detector. Accordingly, the present invention as recited in claim 1 can more easily and efficiently determine the disc type than Kuroda.

For the foregoing reasons, it is respectfully submitted that claim 10 patentably distinguishes over Kuroda. Claims 11, 12, 14-16 and 18 depend on claim 10 and are therefore believed to also be allowable for the foregoing reason.

CONCLUSION

Finally, if there are any formal matters regarding this request for a pre-appeal brief conference, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
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